

Appl. No. 10/670,663
Amdt. Dated 1/25/2006
Reply to Office action of 10/25/2005

REMARKS:

Reconsideration of the application is requested. Claims 1-14 remain in the application. Claims 5 has been amended.

In item 2 of the above-identified Office Action, the Examiner objected to claim 5 as containing a typographical error. Claim 5 has been amended as suggested to correct the error. The change to claim 5 has not been made for reasons relating to the prior art or the statutory requirements for a patent.

In item 4 of the above-identified Office Action, the Examiner rejected claims 1-8 and 11-12 as being obvious over Sezi et al. (U.S. Patent No. 6,787,244) in view of Lowack et al. (U.S. Pub. 2003/0176623) under 35 U.S.C. § 103(a).

Sezi et al. '244 "qualifies as prior art only under one or more of subsection (e) of section 102." 35 U.S.C. § 103. The assignee of Sezi et al. '244 and the assignee of the instant application are the same, Infineon Technologies AG. A copy of

~~the assignment, which will be filed upon the issuance of the~~
instant application, is attached hereto showing the common assignee identity. Accordingly, pursuant to Section 103(c), Sezi et al. '244 is unavailable as prior art and the rejection in item 4 is moot. In addition, Lowack et al. '623 is unavailable for the same reason; although not present

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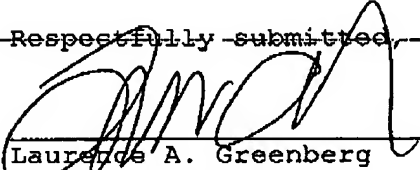
herewith, an assignment regarding Lowack et al. '623 can be produced for the Examiner upon request.

In item 5 of the Office action, the Examiner rejected claims 9-10 and 13-14 as being obvious over Sezi et al. '244 in view of Lowack et al. '623, admitted prior art, Yadada et al. '673, and Tamagawa '923. For the reasons stated previously, Sezi et al. '244 and Lowack et al. '623 are not available under 35 U.S.C. § 103(c). Accordingly, the rejection is moot.

In view of the foregoing, reconsideration and allowance of claims 1-14 are solicited. In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

~~Respectfully submitted,~~



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